

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JESSICA J. SCHERER,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

MEMORANDUM OPINION

03 Civ. 8445 (RWS)

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NICHOLAS MERRILL,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

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ALEXANDRA LINARDAKIS,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

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Sweet, D.J.,

Plaintiff Jessica J. Scherer ("Scherer"), plaintiff Nicholas Merrill ("Merrill"), and plaintiff Alexandra Linardakis ("Linardakis") (collectively, the "Plaintiffs") have moved to compel discovery from the defendants The City of New York ("The City") in all three actions, defendant Police Officer Paul Fazio ("PO Fazio") in the Scherer action, defendant Police Officer Glenn Wolff ("PO Wolff") and defendant John

Does, Police Supervisors or Detectives in the Merrill action, and Police Officer Daniel C. Patton ("PO Patton") in the Linardakis action (collectively, the "Defendants"). For the reasons set forth below, the motion is granted.

Prior Proceedings

All three actions allege civil rights violations resulting from events surrounding the anti-war demonstration which took place on February 15, 2003 ("the Demonstration"). Scherer filed her complaint on October 27, 2003; Merrill filed his complaint on February 19, 2004, and Linardakis filed her complaint on April 9, 2004.

Document requests have been served by the Plaintiffs who seek the names and addresses of non-party arrestees. The motion to compel discovery was heard and marked fully submitted on February 9, 2005.

The Discovery at Issue

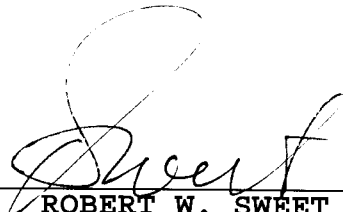
The procedure previously outlined by this Court for the identification of non-party arrestees will be followed. See Fountain et al. v. New York City, et al., No. 03 Civ. 4526 (RWS), 2004 WL 1474695, at *2 (S.D.N.Y. June 30, 2004); Daniels v. City of New York, No. 99 Civ. 1695 (SS), 2001 WL 228091, at *2 (S.D.N.Y. Mar. 8, 2001). Pursuant to this procedure, for each of these cases, the Defendants will provide the magistrate judge with the identities of all non-party

New York, No. 99 Civ. 1695 (SS), 2001 WL 228091, at *2 (S.D.N.Y. Mar. 8, 2001). Pursuant to this procedure, for each of these cases, the Defendants will provide the magistrate judge with the identities of all non-party arrestees, and the magistrate judge will contact these individuals to determine whether they are willing to speak with Plaintiffs' counsel. Daniels, 2001 WL 228091, at *2. If a non-party arrestee expresses a willingness to speak with Plaintiffs' counsel, the magistrate judge will release that individual's contact information. Id.

The Defendants will also identify NYPD officers who interrogated the Plaintiffs and the supervisors present during the demonstration at the location of the arrests of the Plaintiffs.

It is so ordered.

New York, NY
April 27, 2005



ROBERT W. SWEET
U.S.D.J.